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Joint Committee on Administrative Rules
Illinois General Assembly

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Issue 10

Illinois Regulation is a summary of the weekly regulatory decisions of State agencies published in the Illinois Register and action taken by the Illinois General Assembly's Joint Committee on Administrative Rules. Illinois Regulation, also titled The Flinn Report in memory of founding JCAR member Rep. Monroe Flinn, is designed to inform and involve the public in changes taking place in agency administration.

New Rules

■ IMMUNIZATIONS

The DEPARTMENT OF PUBLIC HEALTH adopted amendments to the Part now titled Child and Student Health Examination and Immunization Code (77 IAC 665; 40 Ill Reg 3429) and repealed the Part titled Immunization Code (77 IAC 695; 40 Ill Reg 3473) both effective 2/27/17. All child/student immunization rules formerly contained in Part 695, including requirements for immunization against meningococcal disease (meningitis) that took effect for the 2015-16 school year, are now in Part 665. The rulemaking changes the name of Part 665 (formerly Child Health Examination Code) and clarifies that immunization requirements for students entering 12th grade also apply to special education students eligible to remain in school beyond 12th grade. Polio vaccination requirements for children entering preschool/day

care, children entering kindergarten beginning with the 2016-17 school year, and children entering programs without assigned grade levels are clarified. Proof of prior or current hepatitis B infection, verified by laboratory evidence, may be accepted in place of immunization against hepatitis B. Advanced practice nurses and physician assistants (in addition to physicians) may provide documentation that a child is already immune to a disease for which immunization would normally be required, and may document medical objections to an immunization. The rulemaking also implements PA 99-249, which establishes a process by which parents or legal guardians may obtain a Certificate of Religious Objection to immunizations, examinations, or screenings. The certificate

(cont. page 2)

Proposed Rulemakings

■ EDUCATORS

The STATE BOARD OF EDUCATION proposed amendments to Educator Licensure (23 IAC 25; 41 Ill Reg 2800) concerning requirements for educator preparation. Not-for-profit entities no longer require approval by the Board of Higher Education. Holders of an educator license with stipulations endorsed for provisional career and technical educator do not need to pass the test of basic skills for renewal if the license was issued on or before 1/1/15. Professional educator license (PEL) applicants entitled at an institution of higher education must complete a program satisfaction survey in the Educator Licensure Information System (ELIS) before receiving a license. Short-term emergency approvals in Special Education

(cont. page 3)

NEW RULES: Rules adopted by agencies this week. **EMERGENCY RULES:** Adopted for a temporary period not to exceed 150 days.

PROPOSED RULES: Rules proposed by agencies this week, commencing a 45-day First Notice period during which public comments must be accepted.

PEREMPTORY RULES: Rules adopted without prior public notice or JCAR review as authorized by 5 ILCS 100/5-50.

■ Designates rules of special interest to small businesses, small municipalities, and not-for-profit corporations. Agencies are required to consider comments from these groups and minimize the regulatory burden on them.

QUESTIONS/COMMENTS: Submit mail, email or phone calls to the agency personnel listed below each summary.

RULE TEXT: Available on the Secretary of State (www.cyberdriveillinois.com) and General Assembly (www.ilga.gov) websites under Illinois Register. Second Notice text (original version with changes made by the agency during First Notice included) is available on the JCAR website.

New Rules

(cont. from page 1)

must specify the grounds for the objection and the specific procedures to which the parent is objecting. The child's health care provider must also verify that he or she explained the benefits and risks of the objectionable procedure to the parent or guardian. Local school authorities will determine whether the certificate contains a valid religious objection. Changes since 1st Notice include clarifying procedures for transferring Certificates of Religious Exemption between school districts, allowing school authorities to sign parental release forms for homeless students if a parental release cannot be obtained, and clarifying that parental intent to comply with immunization requirements (e.g., making an appointment for a child to receive an immunization) will allow a child who is not yet immunized to remain in school. This rulemaking will affect public and private schools and their students, day care providers, and health care providers.

Questions/requests for copies of the 2 DPH rulemakings: Elizabeth Paton, DPH, 535 W. Jefferson St., 5th Fl., Springfield IL 62761, 217/782-2043, dph.rules@illinois.gov

DRIVER'S LICENSES

The SECRETARY OF STATE adopted amendments to the Part titled Issuance of Licenses (92 IAC 1030; 40 Ill Reg 21030),

effective 2/24/17, that reduce, from 2 to 1, the number of documents that an applicant for a driver's license (DL) or a temporary visitor's driver's license (TVDL) must present to prove Illinois residency. The rulemaking also allows SOS to mail renewal notices to non-visa status TVDL holders, establishes the procedure for which applicants can obtain a duplicate DL if the DL is not received by mail, and establishes the procedure for applicants to change their address if a DL was not delivered due to an address change. The length of time for a former member of the military to obtain a commercial driver's license (CDL) without having to take the CDL pre-trip, skills and road test is increased from 90 days to 12 months. Valid unexpired passport cards are added to the list of documents that may be submitted as proof of citizenship or lawful permanent residence.

Questions/requests for copies: Jennifer Egizii, SOS, 2701 South Dirksen Parkway, Springfield IL 62723, 217/557-4462, jegizii@ilsos.net

■ PHYSICAL THERAPY

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION adopted amendments to the Part titled Illinois Physical Therapy Act (68 IAC 1340; 40 Ill Reg 13768), effective 3/1/17, implementing a 10-year reauthorization of the Act (PA 99-229). The rulemaking

allows physical therapy students to take the licensure exam up to 120 days prior to graduation from a physical therapy program if the applicant provides certification of his or her expected graduation date. If an exam is completed prior to graduation, DFPR will make the results available to the applicant but will not issue the license until it receives confirmation that the applicant has graduated. The rulemaking also includes updates and technical changes. Physical therapy students are affected by this rulemaking.

Questions/requests for copies: Craig Cellini, DFPR, 320 W. Washington St., 3rd Fl., Springfield IL 62786, 217/785-0813, fax 217/557-4451.

DISABILITY SERVICES

The DEPARTMENT OF HUMAN SERVICES adopted an amendment to the Part titled Developmental Disabilities Services (89 IAC 144; 40 Ill Reg 15040) effective 2/24/17. It replaces companion emergency amendments that were effective 10/7/16 (40 Ill Reg 14366) and 10/19/16 (40 Ill Reg 15181). The amendment lowers from 60% to 50% the percentage of Medical Level III (highest medical need) residents that an Intermediate Care Facility for the Developmentally Disabled (ICF/DD) must have in order to qualify for enhanced per diem payments

(cont. page 3)

Proposed Rulemakings

(cont. from page 1)

for teaching in a different grade range may be granted to individuals with a PEL or Learning Behavior Specialist I. Candidates who complete an elementary education program before 9/1/18 must apply for or be entitled to the elementary education endorsement by 9/1/19. Reading specialist endorsement candidates may hold an educator license with stipulations endorsed for provisional educators. All EPPs must record the pre-completion status of each candidate into ELIS when the candidate enters the program. The State Educator Preparation and Licensure Board (SEPLB) will inform ISBE whether it has accepted an EPP's initial

approval for a program leading to licensure. EPPs must report impact and outcome measures, as well as annual program reports, by 4/30, and provide policies on plagiarism and cheating. Effective 9/1/17, all EPPs must participate in a 2-year data collection pilot program that will replace the current State annual program report. ISBE will also conduct annual audits of licensure entitlements. Audits may include a site visit by ISBE staff. EPPs must list all individuals entitled within the last 12 months by 7/30. The deadline for those who have worked as school support personnel to apply for a principal endorsement has been extended from 6/30/19 to 6/30/21. Individuals who hold or are

applying for a PEL must indicate whether they have any criminal charges pending against them. PELs will be suspended and PEL applications denied for individuals convicted and imprisoned for a crime if fewer than 7 years have passed since the end of the sentence. Educator license holders can carry over professional development hours earned between 4/1 and 6/30 of the last year of a renewal cycle to the next renewal cycle.

Questions/requests for copies/ comments through 4/24/17: Lindsay Bentivigna, SBE, 100 N. First St. S-493, Springfield IL 62777-0001, 217/782-5270, rules@isbe.net

(cont. page 4)

New Rules

(cont. from page 2)

under this Part. It also increases certain adjustment factors used to calculate the enhanced per diem rate.

Questions/requests for copies: Tracie Drew, DHS, 100 S. Grand Ave. East, 3rd Fl., Springfield IL 62762, 217/785-9772.

■ VIDEO GAMING

The ILLINOIS GAMING BOARD adopted amendments to Video Gaming (General) (11 IAC 1800; 40 Ill Reg 13299), effective 2/24/17, adding a new Section that regulates video gaming

locations within malls. The rulemaking defines "mall" and establishes factors to be considered when the Board makes determinations on whether a gaming location can be located in a mall. Changes since 1st Notice expand the definition of a mall to include neighboring buildings and buildings with a single property postal address, parcel or property index number.

Questions/requests for copies: Agostino Lorenzini, IGB, 160 N. LaSalle St., Chicago IL, 60601, 312/814-7253, e-mail: Agostino.lorenzini@igb.illinois.gov.

■ OIL & GAS WELLS

The DEPARTMENT OF NATURAL RESOURCES adopted an amendment to the Part titled The Illinois Oil and Gas Act (62 IAC 240; 40 Ill Reg 15466), effective 2/21/17, aligning DNR's procedures for step-rate testing of injection wells with federal guidance. Operators and testers of injection wells are affected.

Questions/requests for copies: John Heidinger, DNR, One Natural Resources Way, Springfield IL 62702-1271, 217/782-1809.

Proposed Rulemakings

(cont. from page 3)

■ VIDEO GAMING

The ILLINOIS GAMING BOARD proposed amendments to Video Gaming (11 IAC1800; 41 Ill Reg 2777) imposing new requirements on all use agreements entered into between terminal operators and licensed video gaming locations (LVGL) on or after the use agreement's effective date. The rulemaking requires use

agreements to state which sales agent, broker or other person, if any, procured the use agreement on behalf of the terminal operator, prohibits automatic renewal in the absence of cancellation, and caps the use agreement's duration at 5 years. IGB will provide a standard form for use agreements in rule. All new and renewed use agreements entered into shall incorporate the language of the standard form and shall be consistent with the standard form in all respects. The

rulemaking also adds a new Subpart on responsible gambling. This rulemaking will impact terminal owners and operators.

Questions/requests for copies/ comments through 4/24/17: Agostino Lorenzini, IGB, 160 N. LaSalle St., Chicago IL, 60601, 312/814-7253, e-mail: Agostino.lorenzini@igb.illinois.gov.

Second Notice

The following rulemaking was moved to Second Notice this week by the agency listed below, commencing the JCAR review period. This rulemaking will be considered at the Committee's April 4, 2017 meeting. Other items not published in the *Illinois Register* or The Flinn Report may also be considered. Further comments concerning this rulemaking should be addressed to JCAR using the contact information on page 1.

DEPT OF CENTRAL MANAGEMENT SERVICES

Pay Plan (80 IAC 310; 41 Ill Reg 213) proposed 1/13/17

Joint Committee on Administrative Rules

Senator Bill Brady
Senator Karen McConnaughay
Senator Don Harmon
Senator Tony Muñoz
Senator Ira Silverstein
Senator Chuck Weaver

Representative Peter Breen
Representative Tom Demmer
Representative Greg Harris
Representative Lou Lang
Representative André Thapedi
Representative Keith Wheeler

Vicki Thomas
Executive Director